

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

|                                  |   |                |
|----------------------------------|---|----------------|
| CARPENTERS HEALTH & WELFARE FUND | : |                |
| OF PHILA. & VICINITY, et al.,    | : |                |
|                                  | : |                |
| Plaintiffs,                      | : |                |
|                                  | : | CIVIL ACTION   |
| v.                               | : |                |
|                                  | : | NO. 09-CV-4701 |
| SPECIAL SERVICES FOR BUSINESS &  | : |                |
| EDUC., INC., et al.,             | : |                |
|                                  | : |                |
| DEFENDANTS.                      | : |                |

**ORDER**

AND NOW, this 31st day of May, 2011, upon consideration of Plaintiffs' Motion for Adjudication of Civil Contempt and Other Relief Against Defendants Special Services for Business & Education, Inc. and David Diem (Doc. No. 8), to which Defendants have not responded, after a hearing at which Defendants failed to appear, and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1) Plaintiffs' Motion is GRANTED and Defendants are ADJUDGED to be in civil contempt of the Court's Order of March 5, 2010 (Doc. No. 7.).

2) Defendants may purge themselves of said civil contempt by complying, within fourteen (14) days from the entry of this Order, with the Court's Order of March 5, 2010, the obligations of which are recounted here:

a) Defendants are to submit to Plaintiffs all payroll books and records necessary for Plaintiffs to ascertain the precise amount of delinquent contributions due and owing for the

period July 2008 to the present.

b) Defendants are to pay Plaintiffs \$8,811.46 in attorneys' fees and costs incurred in the prosecution of this matter through January 29, 2010, in accordance with the Collective Bargaining Agreement.

3) Plaintiffs are awarded their attorneys' fees and costs incurred in seeking Defendants' compliance with the Court's Order of March 5, 2010. Plaintiffs shall submit documentation of the costs and expenses for which they seek reimbursement within fourteen (14) days of the entry of this Order.

4) Beginning fourteen (14) days from the entry of this Order, Defendants will be assessed a prospective compliance fine in the amount of \$1000.00 per day for each day that Defendants fail to comply with the Court's Order of March 5, 2010.

5) The Clerk of Court is to issue a bench warrant for the arrest of Defendant David Diem, directing the United States Marshal to take Defendant into custody and bring him before this Court within three (3) days of the arrest.

6) If at any time Defendants are unable to satisfy their obligations hereunder, Defendants are to promptly notify the Court in writing of said impossibility.

BY THE COURT:

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\_\_\_\_\_  
s/J. Curtis Joyner  
J. CURTIS JOYNER, J.